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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,766

01/24/2006

Yuichiro Nakai

MAT-8807US

2991

52473

7590

04/29/2009

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EXAMINER

DO, ANH HONG

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

04/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,766	Applicant(s) NAKAI, YUICHIRO	
	Examiner ANH H. DO	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 7 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/24/2006, 12/06/2007</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-5 are rejected under 35 U.S.C. 102(a) as being anticipated by Suzuki (U.S. Patent No. 5,541,741).

Regarding claim 1, Suzuki discloses a multi-color two-dimensional bar code comprising reference dots (col. 13, lines 4-10: bar code comprising black bars and rectangular white areas or white bars, and 400 dots per inch) and the dots showing a tint in a part of dots (col. 15, lines 30-34: a neutral tint such as yellow green).

Regarding claim 2, Suzuki discloses:

- a display output for displaying an image (col. 10, lines 56-60: display 2702);
- a tint control part (col. 9, line 29: CPU 414 for control);
- wherein the tint control part controls the tint of the image by referring to a tint shown by reference dots of a multi-color two-dimensional bar code that includes the reference dots showing a tint in part of dots (col. 9, line 24: controlling; and col. 13, lines 4-10: bar code comprising black bars and rectangular white areas or white bars, and 400 dots per inch; and col. 15, lines 30-34: a neutral tint such as yellow green).

Regarding claim 3, Suzuki discloses:

- a camera part (col. 15, lines 37-40);

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- a bar code from the image photographed by the camera part to decode information from bar code (col. 11, lines 55-65: decoded bar code 2202);

- a tint correcting part for correcting a tint of the image by referring to a tint shown by reference dots of a multi-color two-dimensional bar code that includes the reference dots showing a tint in part of dots (col. 4, lines 31-37: a spatial filter circuit for correction; and col. 13, lines 4-10: bar code comprising black bars and rectangular white areas or white bars, and 400 dots per inch; and col. 15, lines 30-34: a neutral tint such as yellow green).

Regarding claims 4 and 5, Suzuki discloses a multi-color two-dimensional bar code comprising compare dots (col. 13, lines 4-10: bar code comprising black bars and rectangular white areas or white bars, and 400 dots per inch) and the dots showing a tint in a part of dots (col. 15, lines 30-34: a neutral tint such as yellow green).

Allowable Subject Matter

3. Claims 6 and 7 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 6, the prior art, taken either singly or in combination, does not teach:

- wherein... bar code.

Regarding claim 7, the prior art, taken either singly or in combination, does not teach:

- a receiving part... to decode information.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH H. DO whose telephone number is 571-272-7433. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BRIAN WERNER can be reached on 571-272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 27, 2009

/ANH H DO/
Primary Examiner, Art Unit 2624